

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN THE MATTER OF
THE COMPLAINT OF

JOSEPH I. NEVERAUSKAS,
an individual, as owner of the
vessel "GHOSTRIDER" for exoneration)
from or limitation of liability)

No.

In Admiralty

COMPLAINT FOR EXONERATION
FROM OR LIMITATION OF LIABILITY

JUDGE LEINENWEBER
MAGISTRATE JUDGE LEVIN

Plaintiff, JOSEPH I. NEVERAUSKAS ("NEVERAUSKAS"), an individual, as owner of the vessel "GHOSTRIDER", by his attorneys, BELGRADE AND O'DONNELL, P.C., for his Complaint seeking exoneration from or limitation of liability, states as follows:

1. This is an admiralty action for exoneration from or limitation of liability brought pursuant to 46 U.S.C. 183 et seq. and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims.

2. The Plaintiff, NEVERAUSKAS, an individual who resides in the State of Illinois, is and was at the times hereinafter mentioned, the owner of the vessel "GHOSTRIDER".

3. The vessel "GHOSTRIDER" is a sailboat/motorboat of a make known as a 1986 Hunter 29 and is 29 feet in length. The vessel bears Hull No. HUN29433F686. Said vessel, at all relevant times, was operated on the Chicago River, a navigable waterway of the United States.

4. The Plaintiff, NEVERAUSKAS, exercised due diligence to make the vessel "GHOSTRIDER" in all respects seaworthy and she

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was, in fact, tight, staunch and strong, and in all respects seaworthy and fit for the service and operation in which she was engaged at the times hereinafter mentioned and at all times prior thereto.

5. On or about October 17, 1999, ROBERT OCASIO, ("OCASIO"), was aboard a 25 foot sailboat commonly referred to as the "St. Brendan," as it sailed upon the navigable waters of the Chicago River in the vicinity of the Jackson Street and Van Buren Street bridges, Chicago, Illinois.

6. On or about October 17, 1999, the vessel "GHOSTRIDER," was part of a group of vessels, travelling south along the Chicago River on their way to a yacht yard for purposes of winter storage.

7. As this group of vessels traveled south along the Chicago River, a number of vessels, including the "GHOSTRIDER," were delayed between lowered bridges located in the vicinity of the Jackson Street and Van Buren Street bridges, Chicago, Illinois, awaiting the raising of the bridges to allow said vessels the necessary clearance to continue their journey.

8. While said vessels, including the "GHOSTRIDER," were delayed between the bridges located in the vicinity of the Jackson Street and Van Buren Street bridges, the "GHOSTRIDER" stood by, floating in the water, at a near standstill.

9. At this same time, the "St. Brendan" was tied to a barge or other stationary object along the Chicago River in the same vicinity.

10. For no apparent reason, OCASIO attempted to move onto

or about the "St. Brendan" toward the "GHOSTRIDER" as the "GHOSTRIDER" continued to float in the vicinity, at a near standstill.

11. In attempting to move onto or about the "St. Brendan," OCASIO claims he was injured.

12. Pursuant to recognized marine procedure, custom and practice, the "GHOSTRIDER" prepared to and did fend off the "St. Brendan" such that at no time did the "GHOSTRIDER" create a risk to, collide with, or otherwise impact the "St. Brendan."

13. As a result of these events, OCASIO allegedly suffered injury and damage in an amount exceeding \$50,000.00.

14. As set forth in Paragraphs 5 through 13, inclusive, of this Complaint, the alleged occurrence and resulting injuries, and any alleged damages sustained, occurred without the privity and/or knowledge of the Plaintiff and any alleged injuries and damages sustained by OCASIO or any other individual or entity, were not caused or contributed to by any negligence, fault, neglect, unsafe act or lack of due care on the part of Plaintiff or anyone for whom Plaintiff may be responsible, or by any failure of Plaintiff to exercise due diligence to make the vessel seaworthy, but rather, said injuries and damages resulted solely from the negligence, misconduct, unsafe act and fault of OCASIO and/or other persons for whom Plaintiff is not responsible.

15. The Plaintiff is not liable to OCASIO, or any other individual or entity for any injuries or damages done, occasioned, incurred or resulting by reason of the said occurrence referred to in Paragraphs 5 through 13, inclusive,

above, and Plaintiff claims and is entitled to exoneration from liability for all such injuries and damages. Alternatively, without admitting, but rather affirmatively denying liability, Plaintiff claims and is entitled to the benefit of limitation of liability for any and all claims which may be made and proven against him as provided by 46 U.S.C., paragraphs 183-189, and all acts amendatory thereof and supplemental thereto and concurrently with the filing of this Complaint, deposits security with the Clerk of the Court in the amount of the value of the vessel and freight then pending.

16. The value of the vessel "GHOSTRIDER" after the said occurrence was less than \$30,000.00, but in any event, did not exceed that amount. There was no freight pending and the entire aggregate value of the interest of the Plaintiff in said vessel and freight then pending does not exceed \$30,000.00.

17. Subject to the appraisal of Plaintiff's interest in the vessel "GHOSTRIDER", the Plaintiff submits an Ad Interim Stipulation for value not to exceed the sum of \$30,000.00, being Plaintiff's interest in said vessel plus pending freight.

18. This Complaint for Exoneration From or Limitation of Liability is filed within six months after any written notice of claim from any claimant.

WHEREFORE, Plaintiff, JOSEPH I. NEVERAUSKAS, prays that:

- a. The Court enter an Order directing the issuance of a Monition to all persons possessing or claiming to possess a claim for any and all injuries, damages or

other losses done, occasioned or incurred by, or resulting from the aforesaid occurrence, compelling them to appear before this court and to file and make due proof of their respective claim and also to appear and answer the allegations of this Complaint, according to the law and practice of this Court at or before a certain time to be fixed in the Monition; and,

b. The Court enter an Order enjoining the further prosecution and the commencement and prosecution of any and all claims, lawsuits and proceedings of any kind resulting or in any way relating to the aforesaid occurrence and any and all actions, lawsuits and proceedings of any kind against Plaintiff or against the vessel "GHOSTRIDER" to recover damages alleged to have been sustained and arising out of or occasioned by the aforesaid occurrence, except in this proceeding; and,

c. The Court adjudge and find:

1. That the Plaintiff, NEVERAUSKAS, is not liable to anyone to any extent for any injury, damage, or loss for any claim whatsoever in any way arising out of or in consequence of matters set out herein; and,
2. Or alternatively, if the Plaintiff shall be adjudged liable, said liability shall be limited to the amount in value of the Plaintiffs interest in the vessel "GHOSTRIDER" together with the

freight pending at the time of the aforesaid occurrence (an amount not to exceed \$30,000.00), so that the Plaintiff will be discharged from any and all said liability to all complainants by the payment of an amount equal to that value and the freight then pending; and,

- d. Plaintiff receives such other and further relief as may be proper.

JOSEPH I. NEVERAUSKAS

By: 

One of His Attorneys

Steven B. Belgrade
John A. O'Donnell
George M. Velcich
James Saranteas
BELGRADE AND O'DONNELL, P.C.
311 South Wacker Drive - Suite 2770
Chicago, Illinois 60606
(312) 360-9500
209045\Complaint for Limitation

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFSIN THE MATTER OF
THE COMPLAINT OFJOSEPH I. NEVERAUSKAS, an individual, as
owner of the vessel "GHOSTRIDER" for
exoneration from or limitation of liability(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF COOK
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

N/A

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

BELGRADE AND O'DONNELL, P.C.
311 S. Wacker Drive, Suite 2770
Chicago, Illinois 60606

JUDGE LEINENWEBER

MAGISTRATE JUDGE LEVIN

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question 9(h)
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX
FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|--|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place
of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place
of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a
Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.

Plaintiff seeks exoneration or limitation of liability in this admiralty action pursuant to
46 U.S.C. 183 and Rule F of the Supplemental Rules of Certain Admiralty and Maritime Claims.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Plegs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other		

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

N/A

Check YES only if demanded in complaint:

JURY DEMAND:

☐ YES ☒ NO**VIII. RELATED CASE(S) IF ANY** (See instructions):

N/A

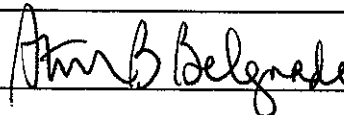
JUDGE

DOCKET NUMBER

DATE

4-28-00

SIGNATURE OF ATTORNEY OF RECORD



UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

In the Matter of

THE COMPLAINT OF
 JOSEPH I. NEVERAUSKAS, an individual,
 as owner of the vessel "GHOSTRIDER" for
 exoneration from or limitation of liability

Case Number:

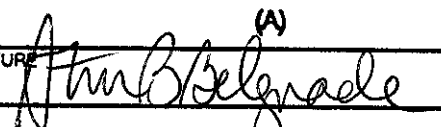
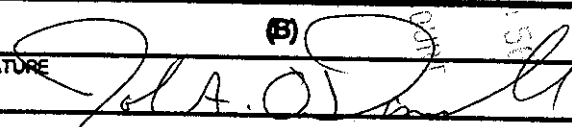
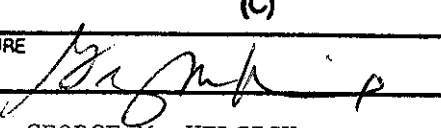
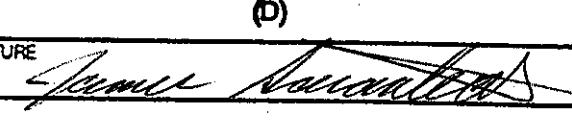
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In Admiralty

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

JOSEPH I. NEVERAUSKAS

JUDGE LEINENWEBER
MAGISTRATE JUDGE LEVIN

(A)	(B)
SIGNATURE 	SIGNATURE 
NAME STEVEN B. BELGRADE	NAME JOHN A. O'DONNELL
FIRM BELGRADE AND O'DONNELL, P.C.	FIRM SAME
STREET ADDRESS 311 S. WACKER DR., SUITE 2770	STREET ADDRESS
CITY/STATE/ZIP CHICAGO, IL 60606	CITY/STATE/ZIP
TELEPHONE NUMBER 312/360-9500	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 160008	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6181205
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(C)	(D)
SIGNATURE 	SIGNATURE 
NAME GEORGE M. VELCICH	NAME JAMES SARANTEAS
FIRM SAME	FIRM SAME
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 3127772	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6270954
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.